

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JONATHAN MONSARRAT,

Plaintiff,

v.

GOTPER6067-00001 and DOES 1-5,
dba ENCYCLOPEDIADRAMATICA.SE,
and BRIAN ZAIGER,

Defendants.

CIVIL ACTION NO.
1:17-cv-10356-PBS

**DEFENDANT BRIAN ZAIGER'S
MOTION FOR EXTENSION OF TIME TO
RESPOND TO COMPLAINT**

Defendant BRIAN ZAIGER, by and through his undersigned counsel, respectfully request a 30-day extension of time to respond to Plaintiff's Complaint. In support of his Motion, Defendant states as follows:

On March 2, 2017, Plaintiff filed his Complaint in this case. (See Doc. No. 1.) On April 26, 2017, Defendant Zaiger was personally served with the Complaint in this proceeding. Pursuant to Fed. R. Civ. P. 12(a)(3)(A), Defendant Zaiger's response to Plaintiff's Complaint would have been due on May 17, 2017.

Defendant Zaiger is a layperson with no prior experience with the judicial system. Since being served with the Complaint in this matter, Mr. Zaiger struggled to find representation. Undersigned counsel were first contacted regarding this matter yesterday evening, and make this Motion after being retained only today.

Defendant Zaiger's counsel requires additional time to review the facts and circumstances of this case before they are able to properly respond to Plaintiff's Complaint. In light of Plaintiff's Request for Notice of Default against Defendant Zaiger (Doc. No. 17), filed today, Mr. Zaiger's request for an extension of time becomes even more pressing. Mr. Zaiger has legitimate and strong defenses in this case, and respectfully requests that the Court give him the opportunity to

defend the case on its legal and factual merits and permit him the full extent of his due process rights.

The alleged infringements first occurred, according to the Complaint, in January 2011. (Doc No. 1 at. ¶ 3). Accordingly, the Plaintiff has apparently been able to wait for more than six years to bring this claim. Another 30 days will be of no measurable effect.

This motion is brought solely so that Mr. Zaiger may properly defend this matter, and not for the purpose of delay. Further, it is not brought due to a lack of diligence or inexcusable neglect.

Pursuant to Local Rule 7.1(a)(2), undersigned counsel certifies that he spoke with counsel for Plaintiff this afternoon via telephone in an attempt to obtain the requested extension without Court intervention. Plaintiff's counsel did not consent to the relief requested herein.

WHEREFORE, Defendant Zaiger asks this Court to enter an Order extending his time to respond to Plaintiff's Complaint by 30 days, up to and including June 22, 2017.

Dated: May 23, 2017.

Respectfully submitted,

/s/ Marc J. Randazza

Marc J. Randazza (BBO# 651477)

Jay M. Wolman (BBO# 666053)

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*Attorneys for Defendant,
Brian Zaiger*

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on May 23, 2017.

/s/ Marc J. Randazza
Marc J. Randazza